

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

E.G.¹,

Plaintiff,

VS.

CASE NO: 1:20-CV-00925-JB-LF

CITY OF ALBUQUERQUE, OFFICER DOMINIC SANCHEZ, in his individual Capacity and as employee of the City of Albuquerque; and OFFICER RICHARD ANDERSON, in his individual Capacity and as employee of the City of Albuquerque;

Defendants.

AFFIDAVIT OF COUNSEL FOR PLAINTIFF UNDER FRCP RULE 56(D)

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss:

Frances Crockett Carpenter, first being duly sworn, states:

1. I am over the age of 18, and am of sound mind. I am counsel for Plaintiff in this matter.
2. I represent to the Court pursuant to FRCP Rule 56(D) that Plaintiff cannot by affidavit present the additional facts that the Court may deem essential to establishing a genuine issue regarding whether Defendants should be dismissed from this lawsuit. The only practicable method by which Plaintiff can do so would be via discovery.
3. Specifically, Plaintiff wishes to take the depositions of A. Vozza, Defendants Sanchez, Defendant Anderson, and the non-party security guard, Michael Cerda, to address the facts in dispute including but not limited to Defendants' Proposed Undisputed Material Facts numbered 1-6. Defendants argue that they are not liable however; they fail to address the

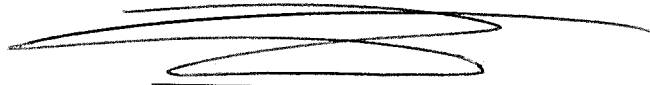
¹ Due to the nature of the facts in this case, Plaintiff is using initials rather than her full name so as to protect her privacy.

EXHIBIT "A"

contradictions that exist between their Complaint, their sworn Court testimony and what is shown in the lapel videotapes. As such and as requested by Plaintiff, more discovery is needed in this regard and specifically Plaintiff should be afforded a right to conducted depositions of Sanchez, Anderson and Cerda to inquire as to the factual disputes that exist in this regard.

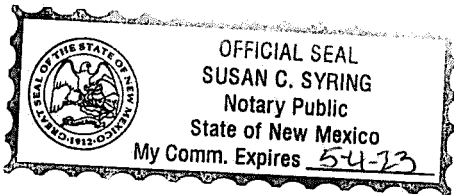
4. Plaintiff did serve discovery on Defendants on October 13, 2020. Pursuant to an agreed to extension, Defendants' Responses are due on November 30, 2020.

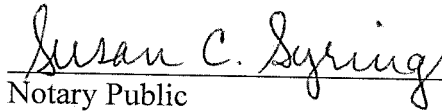
Respectfully,



Frances C. Carpenter

Subscribed and sworn to before me on this 3rd day of November, 2020 by Frances C. Carpenter.




Notary Public